

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1777

Introduced by Senator Alarcon

February 24, 2006

An act to add *and repeal* Section 42926-~~to~~ of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1777, as amended, Alarcon. Juvenile court schools: *foster children: educational services funding*.

(1) Existing law requires the county board of education to provide for the administration and operation of juvenile court schools, as defined.

This bill, *until January 1, 2012, would require each county office of education operating a juvenile court school to designate staff persons as transition counselors to provide specified services to foster children being released from a juvenile detention facility and transferring to public school, thereby imposing a state-mandated local program. The bill, commencing with the 2006-07 fiscal year, and each fiscal year thereafter until and including the 2010-11 fiscal year,* would require each county office of education that provides educational services, *as specified*, through a juvenile court school to pupils ~~who are identified as foster children, as provided, to receive a specified~~ an allowance ~~that is equal to the amount the county office expended on foster children in the 2005-06 fiscal year, adjusted by the total percentage increase received by the county office for all categorical education programs in the prior fiscal year, as specified.~~

The bill, commencing with the 2006–07 fiscal year, ~~and each fiscal year thereafter until and including the 2010–11 fiscal year,~~ would require each school district *or county office of education* that provides educational services to a pupil who is a foster child transferring to the school district *or county office of education* from a juvenile detention hall or probation camp and has received educational services through a juvenile court school to receive ~~an amount equal to the allowance~~ *the same funding* described above for a period of *at least 6 months, but not greater than one year,* after the pupil's enrollment in the school district *or county office of education*. The bill would prohibit a school district from receiving the specified allowance for pupils for whom it has received funding pursuant to specified provisions of existing law authorizing funding of school district educational services provided to foster children.

The bill would limit funding to county offices of education and school districts for purposes of the bill to amounts specifically appropriated in the annual Budget Act. The bill would authorize county offices of education and school districts to apply to the Superintendent of Public Instruction for funding for providing educational services to foster children. The bill would require the Superintendent, on or before November 1 of each year, to provide the Governor with a proposed amount to be included in the Governor's proposed budget for the ensuing fiscal year for allocation to school districts and county offices of education that decide to provide educational services to foster children.

The bill would specify the total funding for these provisions to be an amount of not more than \$5,000,000, to be allocated in the amount of not more than \$1,000,000 per fiscal year during the 2006–07, 2007–08, 2008–09, 2009–10, and 2010–11 fiscal years.

The bill would require the State Department of Education, on or before January 1, 2012, to submit a report to the Legislature evaluating the effectiveness of the additional funding provided under the bill in accomplishing the purposes of the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42926 is added to the Education Code,
2 to read:

3 42926. (a) The Legislature finds and declares all of the
4 following:

5 (1) It is essential to recognize, identify, and plan for the
6 critical and unique needs of foster children residing in juvenile
7 ~~detention halls and probation camps.~~ *halls, camps, and ranches,*
8 *and other settings served by juvenile court schools.*

9 (2) A high percentage of these foster children are performing
10 substantially below grade level, are being retained at least one
11 year in the same grade level, and become school dropouts.

12 (3) The provision of effective and potentially cost-saving
13 instruction, counseling, tutoring, and related services for foster
14 children must be a state priority.

15 (b) Accordingly, *it is the intent of the Legislature, in enacting*
16 *this section, to provide additional funding to county offices of*
17 *education and school districts that provide educational services to*
18 *these pupils. It is also the intent of the Legislature that the*
19 *per-pupil funding limit for foster children enrolled in juvenile*
20 *court schools be removed after January 1, 2010, and be adjusted*
21 *to reflect the appropriate per-pupil funding for the number of*
22 *foster children enrolled in juvenile court schools.*

23 (c) *Each county office of education operating a juvenile court*
24 *school shall designate staff persons as transition counselors who*
25 *shall do all of the following:*

26 (1) *Encourage foster children to continue their education after*
27 *release from the juvenile detention facility.*

28 (2) *Assist foster children when transferring from juvenile court*
29 *school to a public school that would be in the best interests of the*
30 *foster child.*

31 (3) *Coordinate with the educational liaison of the school*
32 *district to ensure and facilitate proper educational placement*
33 *and enrollment in the public school.*

1 (d) *The educational services provided to foster children*
2 *pursuant to subdivision (b) shall include tutoring, education*
3 *counseling, and assistance when transitioning from juvenile*
4 *court school to public school.*

5 ~~(e) Commencing with the 2006–07 fiscal year, and each fiscal~~
6 ~~year thereafter, each county office of education that provides~~

7 *(e) Commencing with the 2006–07 fiscal year, until and*
8 *including the 2010–11 fiscal year, each county office of*
9 *education that provides educational services through a juvenile*
10 *court school to pupils who are foster children were previously*
11 *identified as foster children pursuant to Section 300 of the*
12 *Welfare and Institutions Code shall receive, in addition to the*
13 *base revenue limit, an allowance from the amount annually*
14 *transferred to Section A of the State School Fund equal to the*
15 *amount the county office expended on foster children in the*
16 *2005–06 fiscal year, adjusted by the total percentage increase*
17 *received by the county office for all categorical education*
18 *programs in the prior fiscal year. This cost-of-living adjustment*
19 *shall not exceed the inflation adjustment provided pursuant to*
20 *Section 42238.*

21 ~~(d) Commencing with the 2006–07 fiscal year, and each fiscal~~
22 ~~year thereafter, each school district that provides educational~~
23 ~~revenue limit, an allowance from the amount annually~~
24 ~~transferred to Section A of the State School Fund.~~

25 *(f) Commencing with the 2006–07 fiscal year, until and*
26 *including the 2010–11 fiscal year, each school district or county*
27 *office of education that provides educational services to a pupil*
28 *who is a foster child transferring to the school district or county*
29 *office of education from a juvenile detention hall or probation*
30 *camp and has received educational services through a juvenile*
31 *court school shall receive an amount equal to the allowance*
32 *described in subdivision (e) for a period not greater than one year*
33 *after the pupil's enrollment in the school district. The district*
34 *shall not shall receive the same funding provided under*
35 *subdivision (e) for a period of at least six months, but not greater*
36 *than one year, after the enrollment of the pupil in the school*
37 *district or county office of education. A school district shall not*
38 *receive funds under this subdivision for pupils for whom it has*
39 *received funding pursuant to Section 42920.5 or 42922.*

1 (g) A school district or county office of education that provides
2 educational services to foster children who transition to public
3 school pursuant to this section shall receive funding in any fiscal
4 year for those services only from amounts that may specifically
5 be appropriated by the Legislature in the annual Budget Act for
6 that fiscal year for the support of those school centered foster
7 children services that provide program effectiveness and
8 potential cost savings to the state.

9 (h) A school district or county office of education that provides
10 educational services to foster children pursuant to this section
11 may apply to the Superintendent for funding for those services.

12 (i) On or before November 1 of each year, the Superintendent
13 shall provide the Governor with a proposed amount to be
14 included in the proposed budget of the Governor for the ensuing
15 fiscal year for allocation to school districts and county offices of
16 education that decide to provide educational services to foster
17 children pursuant to this section.

18 (j) Total funding authorized pursuant to this section shall be
19 limited to an amount of not more than five million dollars
20 (\$5,000,000), to be allocated in the amount of not more than one
21 million dollars (\$1,000,000) per fiscal year during the 2006–07,
22 2007–08, 2008–09, 2009–10, and 2010–11 fiscal years.

23 (k) On or before January 1, 2012, the department shall submit
24 a report to the Legislature evaluating the effectiveness of the
25 additional funding provided under this section in accomplishing
26 the purposes of this section.

27 (l) This section shall remain in effect only until January 1,
28 2012, and as of that date is repealed, unless a later enacted
29 statute, that is enacted before January 1, 2012, deletes or extends
30 that date.

31 SEC. 2. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.